

**PHILLIP PYE,**

**Plaintiff,**

**v.**

**TY HADLEY,**

**Defendant.**

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**NO. 1:17-cv-00071**

**JUDGE CAMPBELL**

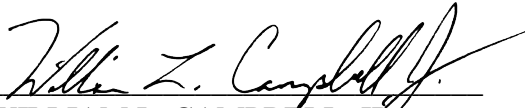
**MAGISTRATE JUDGE FRENSLEY**

Pending before the Court is the Magistrate Judge’s Report and Recommendation (Doc. No. 37), recommending the Court grant summary judgment in favor of Defendant because Plaintiff’s claims are precluded, based on *Walker v. Schaeffer*, 854 F.2d 138, 142 (6<sup>th</sup> Cir. 1988), by Plaintiff’s having entered a “best interest” guilty plea subsequent to the events at issue in the Complaint. Plaintiff’s claims are brought under 42 U.S.C. § 1983 for false arrest, false imprisonment, slander, abuse of authority, and illegal search and seizure, and are based on the Fourth, Fifth and Fourteenth Amendments to the United States and Tennessee Constitutions, as well as Tennessee state law. (Doc. No. 1). In reaching the conclusion that summary judgment should be granted, the Magistrate Judge did not address the applicability of *Walker* to each of Plaintiff’s claims. Therefore, the Report and Recommendation is **REJECTED**, as written, and this case is **REMANDED** to the Magistrate Judge to consider whether summary judgment is appropriate as to each of Plaintiff’s claims.

The trial set for October 16, 2018, and the pretrial conference set for October 1, 2018 are

**CONTINUED** to be reset, if necessary, after this Court issues a ruling on the revised report and recommendation.

It is so **ORDERED**.

  
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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE